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Supreme Court, U.S.
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JAMES R. BROWNING, Clerk

In the Supreme Court of the United States

No. 125.

OCTOBER TERM, 1958.

HENRY H PLEASANT,
Petitioner,

vs.

CLEVELAND BAR ASSOCIATION,
Respondent.

MOTION OF CUYAHOGA COUNTY BAR ASSOCIATION FOR LEAVE TO FILE BRIEF AMICUS CURIAE.

JUDGE ARTHUR KRAUSE,
Public Square Bldg., Cleveland, Ohio,
EDWARD CHITLIK,
Leader Bldg., Cleveland, Ohio,
JOHN J. McMAHON,
Leader Bldg., Cleveland, Ohio,
Special Counsel for Cuyahoga County Bar Association.

THE GATES LEGAL PUBLISHING CO., CLEVELAND, OHIO—MAIN 1-5847

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Now comes the Cuyahoga County Bar Association and respectfully moves the Court for an order authorizing it to file a brief amicus curiae in the within cause.

The Association says that it has heretofore procured the consent of the petitioner to file a brief amicus curiae herein. On July 24, 1958, the Association requested of the respondent, the Cleveland Bar Association, consent to file such a brief, and having received no response to the request addressed by it to the Cleveland Bar Association, subsequently again applied to the respondent for such consent. The respondent has refused to reply to the request of the Association, but the Association has been advised informally and orally that its request for consent to file a brief amicus curiae has not been and will not be granted by the respondent, the Cleveland Bar Association. The Association has also been advised informally that a similar request addressed to the Cleveland Bar Association by the Ohio State Bar Association for consent to file a

brief amicus curiae has also been refused by the respondent.

The Association says that the within cause involves basic and important questions of Federal Constitutional Law, the determination of which will materially affect every member of the Bar of the State of Ohio.

The Association has been in existence since 1928 as a duly incorporated Bar Association, and has for the past thirty years taken an active part in all matters relating to the administration of justice in the County of Cuyahoga and in the City of Cleveland, where its headquarters are maintained. The Association appeared and filed a brief amicus curiae before the Supreme Court of Ohio when this cause was pending before that Court for determination. At that time, as well as upon other appropriate occasions, the Association has set forth and documented its view that Rule 27 of the Supreme Court of Ohio has been adopted and is being enforced in violation of the constitutional rights of the members of the Bar of Ohio.

The Association believes that the refusal of the Cleveland Bar Association, to consent to the filing of a brief amicus curiae by this Association, as well as the respondent's refusal to grant the request of the Ohio State Bar Association, is entirely without precedent, and asserts that such consent is commonly and universally granted by one Bar Association to another not only as a matter of courtesy but as a matter of right in all proceedings in which Bar Associations have a common interest.

The Association represents a membership of more than eighteen hundred lawyers. It believes that the refusal of the respondent to give its consent is improper and cannot be justified by the respondent, which appears also in a representative capacity on behalf of members of the Bar of the State of Ohio.

The Association respectfully urges that the Court grant this Motion and permit it to present to the Court the views which it has adopted upon a subject of the utmost importance to every member of the Bar of this state.

Respectfully submitted,

JUDGE ARTHUR KRAUSE,
Public Square Bldg., Cleveland, Ohio,

EDWARD CHITLIK,
Leader Bldg., Cleveland, Ohio,

JOHN J. McMAHON,
Leader Bldg., Cleveland, Ohio,

Special Counsel for Cuyahoga County Bar Association.